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Joint Inspection Unit

Review of the organizational ombudsman services across the United Nations system

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly his comments and those of the United Nations System Chief Executives Board for Coordination on the report of the Joint Inspection Unit entitled "Review of the organizational ombudsman services across the United Nations system" (A/71/117).

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Summary

In the report entitled "Review of the organizational ombudsman services across the United Nations system", the Joint Inspection Unit examines the role of the ombudsman service in organizations that implement this function and proposes eight recommendations intended to clarify the activities and functions of the ombudsman position.

The present note reflects the views of organizations of the United Nations system on the recommendations provided in the report. The views have been consolidated on the basis of input provided by member organizations of the United Nations System Chief Executives Board for Coordination, which welcomed the report and supported some of its conclusions.

I. Introduction

1. In the report entitled "Review of the organizational ombudsman services across the United Nations system", the Joint Inspection Unit examines the role of the ombudsman service in organizations that implement this function and proposes eight recommendations intended to clarify the activities and functions of the ombudsman position.

II. General comments

2. Organizations welcome the report, noting that it complements a series of reports on oversight and/or independent functions such as ethics, investigation, audit and evaluation and that it offers a valuable analysis of this important function.

3. Some organizations indicate that one aspect insufficiently emphasized in the report is that the ombudsman function must also exist in a culture of dealing with conflict in the workplace, not only preventing that conflict.

4. Furthermore, a more detailed discussion and analysis of the interface and delineation of roles between an ombudsman, as the designated neutral party, and other organizational actors involved in informal and formal conflict resolution (e.g. management evaluation units, investigators, supervisors, human resources personnel and executive or administrative officers) would have been welcome, given that experience has shown that there remains a lack of clarity among staff members regarding the purpose and mandate of these functions.

5. Regarding the recommendations, several organizations note that their implementation may require careful consideration in order to respect the independence and impartiality of the ombudsman's office while not impeding those aspects that strengthen the ombudsman function.

6. Smaller organizations with limitations in terms of time and budget note that it is not always feasible to establish an ombudsman function, especially when there are only a few cases per year.

7. Some organizations note that, given that ombudsmen function independently, executive heads are in a position only to suggest that those offices implement the recommendations.

III. Specific comments on recommendations

Recommendation 1

The executive heads of the United Nations system organizations, in consultation with staff representatives and the existing Ombudsmen, should review, update and disseminate across their respective organizations the terms of reference of the ombudsman, giving due consideration to the direction provided by the present report and using a staff-management consultation mechanism.

8. Organizations support the recommendation, and some suggest that the terms of reference must also at all times reflect generally accepted international standards of practice for organizational ombudsmen and principles of justice and fairness.

Recommendation 2

The executive heads of the United Nations system organizations, in cooperation with the ombudsman offices, should include questions relating to the ombudsman service in staff surveys and responses should be used by management, staff associations and the ombudsman office to increase staff awareness and promote a better understanding of the ombudsman function in the organization.

9. Organizations support initiatives, through surveys and/or other mechanisms, as relevant, to increase staff awareness and promote a better understanding of the ombudsman function in the United Nations system, as suggested in the recommendation. Some organizations, however, note that, while surveys are one way to increase visibility, there may be other mechanisms to increase awareness and understanding that may be more appropriate or effective in a particular organization.

Recommendation 3

The executive heads of the United Nations system organizations should request their respective ombudsmen to ensure that their field staff have the option of an in-person consultation with the ombudsman of another United Nations system organization in the same location (for example, the regional ombudsman of UNOMS or the visiting ombudsman of another United Nations system organization).

10. While organizations support facilitating the access of all field staff to ombudsman services, they caution that expanding access to staff of other United Nations organizations requires further consideration. Beyond concerns regarding resource implications and practical feasibility, organizations note that the ombudsman providing the service may not be sufficiently familiar with the policies, procedures and culture of the staff member's organization.

11. Regarding the specific example cited in the recommendation, organizations note that there may be significant management and operational issues that would require further consultation were access to be expanded beyond the provisions of the current terms of reference of the Office of the United Nations Ombudsman and Mediation Services. Were there to be any expansion of access to the Office's regional ombudsmen, the modalities of such an arrangement would need to be worked out bilaterally with each organization in question.

Recommendation 4

The executive heads of the United Nations system organizations should request their ombudsman offices to include in their work programme the development of a case management manual and to seek the cooperation of other United Nations system ombudsmen with a view to achieving a certain level of harmonization across the system.

12. Some organizations support the recommendation, noting that case management is part of the broader work of an ombudsman. They point out that, given that the profession of ombudsman is relatively young and its presence in United Nations organizations even younger, the assessment of approaches to case management that uphold generally accepted international standards of practice for organizational ombudsmen and principles of justice and fairness is a continuing process, and

therefore support placing the harmonized development of a case management manual on the agenda of the network of Ombudsmen and Mediators of the United Nations and Related International Organizations at its meeting in 2016. Other organizations expressed a preference not to interfere in the management of the ombudsman's office, which should remain independent, while considering that such measures would strengthen the function.

Recommendation 5

The legislative bodies of the United Nations system organizations should make it possible for the ombudsman to report to them on systemic issues identified on a regular basis.

13. Organizations support the recommendation, noting that it is directed to legislative bodies. While considering the recommendation, some organizations noted that it was unclear which approach better served management and staff — an ombudsman who informally and confidentially raised systemic issues with the executive head, or an ombudsman who also formally reported to the governing bodies, with management formally replying to the governing bodies.

Recommendation 6

The executive heads of the United Nations system organizations should request the ombudsman to include continuous training and certification of ombudsman practitioners in the strategic workplans of their ombudsman offices.

14. Recognizing the value of continuous learning of all staff, some organizations support the recommendation, although they point out that, given that only one organization provides a certification programme, the benefits may be limited for ombudsman practitioners within the system. They note, however, that further internationalization of certification is being discussed within the network of Ombudsmen and Mediators of the United Nations and Related International Organizations and the European Ombudsman. Other organizations expressed a preference not to interfere in the management of the ombudsman's office, which should remain independent, while considering that such measures would strengthen the function.

Recommendation 7

The executive heads of the United Nations system organizations should establish an accountability and appraisal system for the ombudsman services and include the relevant provisions in the ombudsman's terms of reference. The system and the provisions should reflect the specific requirements of the ombudsman function by making accountability and the appraisal process inclusive and participatory for all stakeholders.

15. Some organizations agree in principle with the recommendation, noting that an ombudsman, and others performing similar functions in these offices, should be subject to the same appraisal system as other staff at equivalent levels. Other organizations point out, however, that an accountability and appraisal system in the proposed format, namely with participation of the management and staff of the organization served, may have an adverse impact on the independence and effectiveness of the ombudsman function, in reality or in perception. Those

organizations suggest that it would be advisable to consider an external review mechanism based on quality and performance standards, similar to oversight functions such as evaluation, internal audit or investigation. Other organizations support this view, pointing out that ombudsmen are not on a career track within their organizations and have a limited tenure of 5 to 10 years. Given the nature of the ombudsman profession, the expectations regarding accountability, ethics and performance are high. To preserve the independence of the ombudsman's office, an external review mechanism merits consideration.

Recommendation 8

The executive heads of the United Nations system organizations should request their ombudsmen to discuss the findings and recommendations of the present review at the UNARIO meeting to be held in 2016 and to decide on the course of actions they intend to reflect in their programmes of work, either individually or collectively.

16. Some organizations of the United Nations system support the recommendation. Others, however, expressed a preference not to interfere in the management of the ombudsman's office, which should remain independent, while considering that such measures would strengthen the function.